

THE CASE FOR THE PLANNING  
AND ZONING COMMISSION TO  
RECOMMEND DENIAL OF  
REZONING CASE NO. RZ 14-05.  
PREPARED  
FOR  
MARTIN ZIMMERMAN

Development  
Services

MAR 04 2014

RECEIVED  
submitted by  
Mr. Rich Hansen  
7268 Zivatar Dr.

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- This is a modified RZ 13-21 which was presented to the Planning and Zoning Commission on January 16, 2014. The Commission unanimously recommended denial of that request. Commissioner Hardeman's motion stated in part that "the rezoning is not appropriate for the immediate area of concern".
- The new request to rezone to Planned Development – Housing is also not appropriate for the immediate area of concern therefore I believe the Commission should again recommend denial.
- There are only marginal differences between the original request and request RZ 14-05. The number of lots is reduced to 44 from 48, only 1 entrance and exit to the area in question on the east and west side of Riverstone Drive, a 25ft buffer between the 1 acre lots, and some added fencing.
- The resident's concerns about traffic were not diminished. An additional 440 vehicles per day will be added the current Riverstone Drive and FM-1179 traffic. As an example of the traffic, on February 24 at 7:45am I waited for three cycles of green before I could get through the intersection of FM-1179 and Boonville Road. Add to that the approved Greenbrier development which will have more than 400 homes and you will have big city type traffic problems.
- The new plan worsens the problem of changing the character and appearance of the Riverstone Subdivision.
- There currently are no fences running parallel to Riverstone Drive. The proposed fencing along Riverstone Drive does not match anything currently in, or for that matter, even allowed in the subdivision
- Allowing the proposed plan to go forward will decrease the property values of the remainder of the Riverstone Subdivision. Please remember that the Riverstone Subdivision was sold as 1 acre estate lots. Many people have invested significant money based on the advertised 1 acre lots. I believe most people would not have purchased lots and constructed homes had it been made clear to them that 44 lots were going to be squeezed into the land at the main entrance of the Riverstone Subdivision.
- At best it was an oversight to not ensure the purchasers knew about the plans for the entrance to the subdivision and at worst it was a deliberate omission to facilitate sales of land. Whichever it is the current residents should not have to suffer the consequences of either action.
- The Greenbrier Subdivision, located to the northwest and bordering on the west side of the Riverstone Subdivision, is planned to contain more than 400 homes. Doesn't that fill the need for low density housing in the area? Jamming 44 additional homes into the Riverstone Subdivision seems like over development.
- I have searched Bryan to find a single contiguous residential street that changes from 1 acre lots to an area of lots of about 6,000 sq ft and have not been able to find it. The change will only do harm to the existing subdivision.
- It was a reasonable conclusion that the entrance to the subdivision would be developed in a similar style as the already developed areas.

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- I understand that deed restrictions are not enforced by the city. I ask that you, at the very least, consider what that document lead people to believe about their subdivision as you make your decision to recommend denial or approval of RZ 14-05.
- I understand that from an urban planning viewpoint it is OK to go ahead with the developers plan. I hope that you will ask yourself if it is the right and smart thing to do.
- Does the current plan do more harm than good? I say yes.
- Did the advertising and plat map lead people to believe that the entire area would be 1 acre lots? I say yes.
- When all things are considered I believe the current plan does great harm to the character and appearance of the Riverstone Subdivision. It also has the potential to do significant financial harm to the existing residents who have invested large sums of money for their homes.
- All information in this package with the exception of letters submitted by residents other than Rich Hansen was developed and provided by Rich Hansen.

Rich Hansen, 7268 Riverstone Drive, Bryan, TX 77808

Please take the time to look at the documents provided.

**Pages 1-6**—Letters from homeowners.

**Pages 7-8**—Final plats of the Riverstone Subdivision and the Tiffany Park Subdivision. Both were prepared by Hester Engineering Company. Please note that both vicinity maps clearly identify the subdivision with hashed lines. Also note that the Tiffany Park plat clearly marked the planned use of the acreage along FM-158. Why not for the Riverstone Subdivision?

**Pages 9-10**—Enlargement of the vicinity and general notes of the Riverstone Subdivision plat. Notice that the hash marks indicating the Riverstone Subdivision highlight the area all the way to FM-1179. Please see note 2 of the general notes on page 10. That comment also indicates that the Riverstone extends the full length of Riverstone Drive all the way to FM-1179.

**Pages 11-13**—Shows the current state of the entrance to the Riverstone Subdivision.

**Pages 14-16**—Photos of the entrance to the Tiffany Park Subdivision which has fencing similar to what the developers are proposing to compare with attachments 5-7. Does that not change the character of the Riverstone Subdivision?

**Pages 17-18**--Photos of homesites in the Riverstone Subdivision.

March 1, 2014

Planning and Zoning Commission

In regards to the Riverstone Subdivision I urge you to DENY the rezoning of the area. Several months before moving in to the area, we requested information concerning lot sizes and minimum square footage for the area. We received both a plat and declaration of covenants stating square footage no less than 2400 sq. feet and lots were at least 1 acre. Not once were we informed that the Developers were planning to try to rezone the front area to build townhomes. In fact the relator was very happy to sell us on the idea that within the deed restrictions each home built must meet the square footage requirements and that each home would be built on these 1 acre lots. I quote one of the emails sent: "Great new single family, one plus acre lots, just across from Miramont on FM 1179." After several visits to the area and emails back and forth with the company, we saw a pre-built ½ million dollar custom home for sale in Riverstone and decided to buy that. No prudent home investor would spend that amount knowing that just ¼ of a mile up the road the developer planned on building high density townhomes.

Your vote to rezone Riverstone to accommodate high density homes would:

1. Depreciate home values in the area
2. Have a negative affect of residential safety due to increased traffic
3. Decrease quality of living due to the style and density of the housing.

We were sold on the area because of lot size, square footage requirements, and the style of homes that were being built in the area. Home investors in this area have spent too much money to watch their property values decline because a developer wants to make quick money. These lots were sold to us with the knowledge that certain requirements were to be maintained. The developer should be required to follow the same restrictions that the current residents were told and expected to follow. I am opposed to every part of the rezoning proposal for the Riverstone Subdivision. Please do not allow the developers to get away with such changes after we have invested much money into our homes. I urge you to vote no.

Thank you for our consideration,



Naomi Johnson  
4713 River Wood Ct.

February 25, 2014

To: Planning and Zoning Commission

RE: RZ14-05. Riverstone Subdivision – Ph. 3 & 4

The Declaration of Covenants, Conditions and Restrictions of Riverstone Subdivision, recorded in Brazos County on October 13, 2007 defines "Lot" in Article One, Section 1.3 as follows:

*"Lot" shall mean and refer to that portion of any of the plots of land shown upon the plat and subdivision map recorded in Volume 8285, Page 56, of the Official Records of Brazos County, Texas. No Lot, including resubdivided lots, shall contain less than one (1.0) acre of land.*

The 14.054 acres that the developer, 1179 Joint Venture 1, LP, wishes to rezone is included in the plat and subdivision map referenced above. Therefore, the developer's rezoning request contradicts the commitment made to Riverstone Subdivision property owners who have purchased the originally platted 1.0+ acre lots.

I know that the Planning and Zoning Commission is not responsible for enforcing the Declaration of Covenants, Conditions and Restrictions. However, I respectfully request that you consider the original commitment made to the Riverstone Subdivision property owners, and do not allow the acreage fronting FM 1179 to be rezoned.

Sincerely,

Joseph C. and Karen P. Allen

4721 River Hollow Ct.

Bryan, TX 77808


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To: Members of Planning and Zoning Commission,

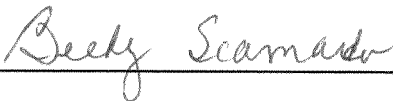
When looking for land to build what would be "Our Home" to retire in, we invested a lot of time to find the perfect area! We thought we had found that area when we bought in Riverstone. We bought there for several reasons, one the minimum lot size was 1 acre, which gave ample room between each house...also it gave the effect of living in the country, yet easy access to town.

We bought several years ago with the intent to build at a later time. We started construction on our house in January of this year, had we known the intent of the developers to put 40 Townhomes at the entrance of the subdivision we would not have built here.

The plan that the developers have, will not only increase the traffic through Riverstone it will de-value our properties...properties that each of us have worked hard to have.



Jerry Scamardo



Becky Scamardo

1 March 2014

Dear Sirs:

I would like to register my opposition regarding proposed rezoning of the southern portion of Riverstone Subdivision as delineated by 1179 Joint Venture 1, LP. My resistances to the proposed rezoning are as follows:

Clearly the building restrictions for Riverstone Subdivision were originally implemented to protect property values in Riverstone Subdivision. Regrettably, the proposed rezoning agenda of 1179 Joint Venture 1, LP is an attempt to implement lesser building restrictions and to circumvent the original restrictions.

Constructing numerous single family units at the intersection of Riverstone Drive and FM 1179 will greatly increase traffic flow hazard when exiting or entering Riverstone Drive.

Building a concentration of lesser valued multiple family dwellings would grievously affect current property value for Riverstone Subdivision

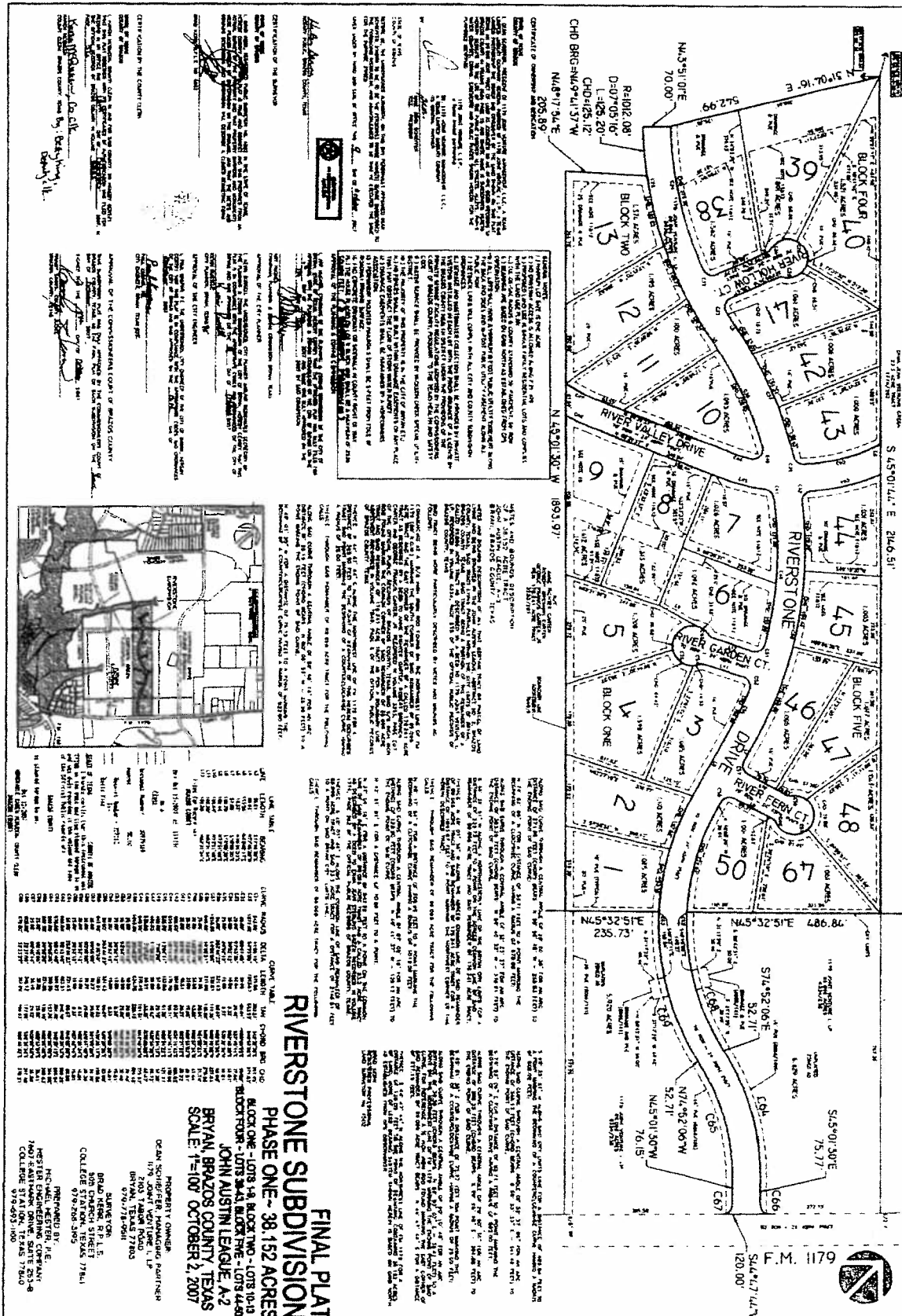
It is my firm belief that the principals involved in this rezoning effort have all the appearance of a bait and switch scam.

Respectfully,

*Leonard + Sandra Moore*

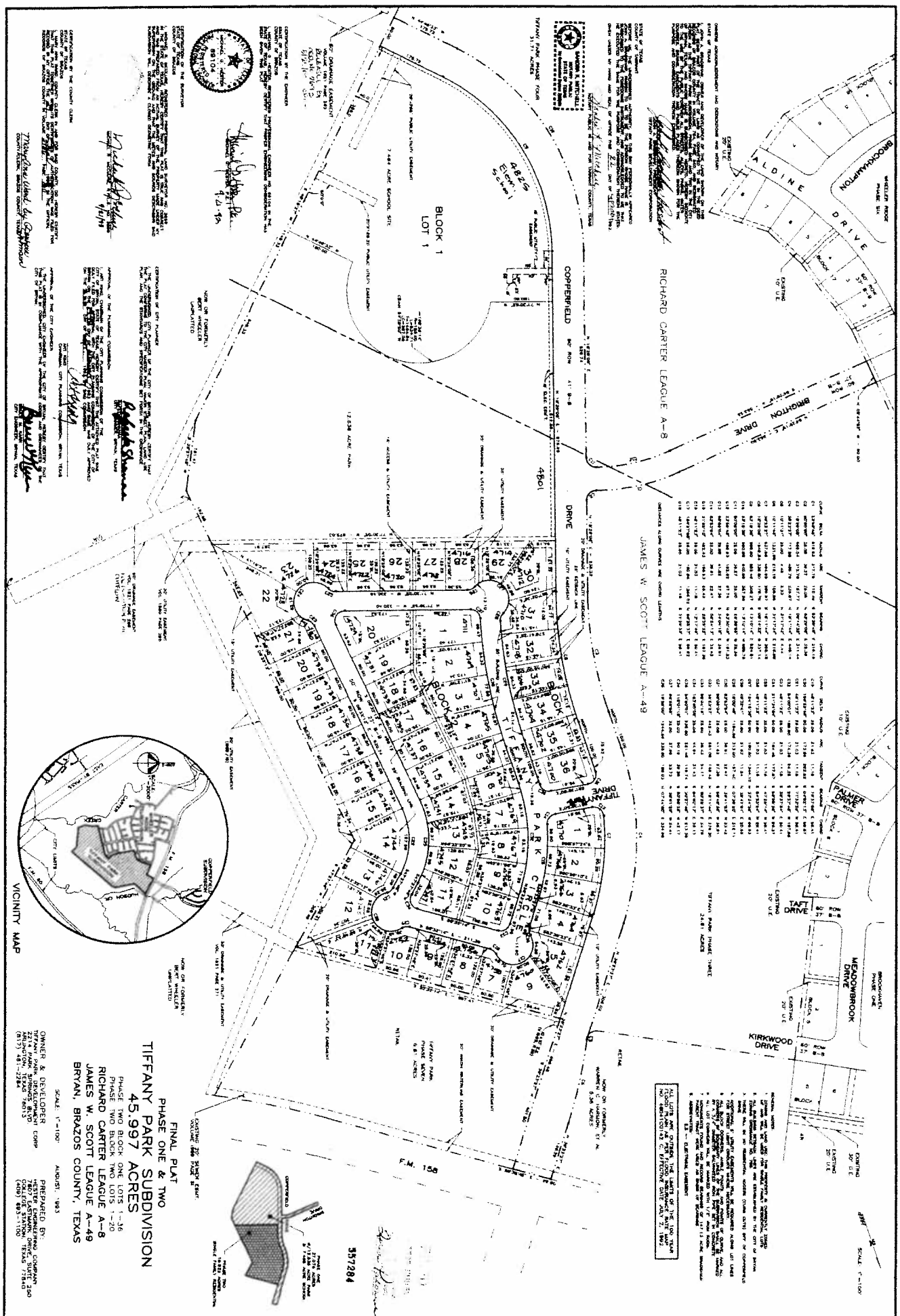
Leonard and Sandra Moore  
4700 Riverbend Court  
Bryon, Texas  
979/777-5070





979169 Vol. 8285 Pg. 56

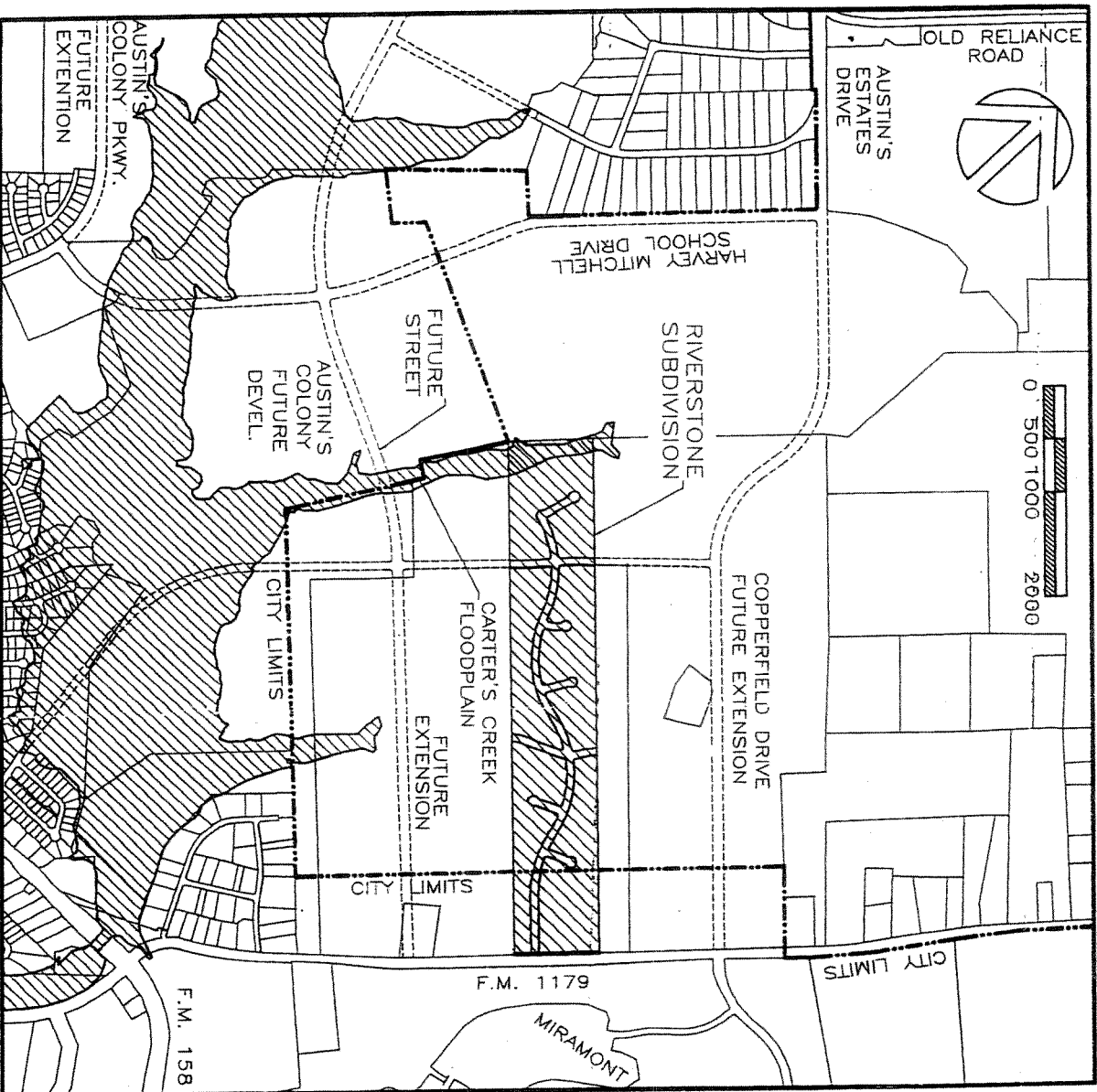
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POINT MARKING THE ENDING POINT OF SAID CURVE;

N 45° 01' 30" W FOR A DISTANCE OF 76.15 FEET TO A POINT MARKING THE BEGINNING OF A COUNTERCLOCKWISE CURVE HAVING A RADIUS OF 522.00 FEET;



LINE TABLE

LINE	LENGTH	BEARING
L3	50.01'	S77°45'29"E
L4	50.01'	N77°45'29"W
L5	113.54'	N73°40'17"E
L6	16.37'	N19°54'23"E
L7	57.88'	S16°08'20"E
L8	198.79'	S16°08'20"E
L9	108.44'	N73°51'40"E
L10	108.44'	N73°51'40"E
L11	102.38'	N63°31'34"E
L12	102.38'	N63°31'34"E

Filed for Record in:  
BRAZOS COUNTY

On: Oct 12, 2007 at 11:19A

As a  
Plats

Document Number: 00979169

Amount 58.00

Receipt Number - 327213

By:  
Betty King

STATE OF TEXAS COUNTY OF  
I hereby certify that this instrument  
filed on the date and time stamped hereon  
and was duly recorded in the volume and  
of the official Public records of:

BRAZOS COUNTY

as stamped hereon by me.

Oct 12, 2007

HONORABLE F. KARPEN, CLERK, COUNTY CLERK

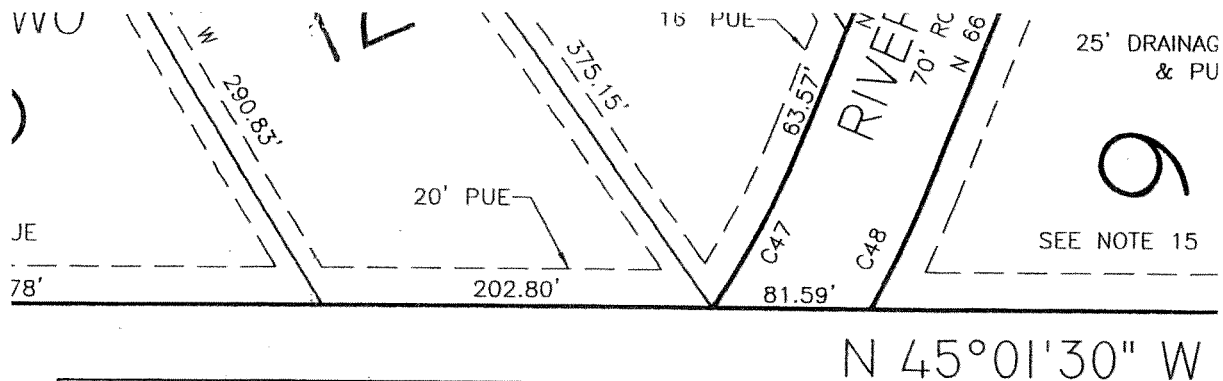
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CLERK OF  
THE CITY OF

N, HEREBY  
ORDINANCES

NTY

COURT OF  
THE



GENERAL NOTES:

- 1.) MINIMUM LOT SIZE IS ONE ACRE.
- 2.) NO DRIVEWAY ACCESS IS ALLOWED ALONG F.M. 1179.
- 3.) PROPOSED LAND USE IS SINGLE FAMILY RESIDENTIAL LOTS AND COMPLIES WITH THE LAND USE PLAN.
- 4.) CUL-DE-SAC RADIUS @ COUNTY STANDARD 30' PAVEMENT, 50' ROW
- 5.) BEARINGS ARE BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.
- 6.) ALL LOTS WILL HAVE A MINIMUM 10-FOOT PUBLIC UTILITY EASEMENT ALONG THE BACK AND SIDES AND 16-FOOT PUBLIC UTILITY EASEMENT ALONG ALL PUBLIC ROW.
- 7.) SETBACK LINES WILL COMPLY WITH ALL CITY AND COUNTY SUBDIVISION ORDINANCES.
- 8.) SEWAGE AND WASTEWATER COLLECTION SHALL BE PROVIDED BY PRIVATE SYSTEMS INSTALLED IN EACH LOT WITH THE PRIOR ISSUANCE OF A LICENSE BY THE BRAZOS COUNTY HEALTH DISTRICT UNDER THE PROVISIONS OF THE PRIVATE SEWAGE FACILITY REGULATIONS ADOPTED BY THE COMMISSIONERS COURT OF BRAZOS COUNTY, PURSUANT TO THE TEXAS HEALTH AND SAFETY CODE.
- 9.) WATER SERVICE SHALL BE PROVIDED BY WICKSON CREEK SPECIAL UTILITY DISTRICT.
- 10.) THE MAJORITY OF THIS PROPERTY IS IN THE CITY OF BRYAN ETJ.
- 11.) NO FENCES SHALL BE BUILT WITHIN DRAINAGE EASEMENTS OR ANY PLACE THAT MAY OBSTRUCT THE FLOW OF STORM WATER RUNOFF.
- 12.) DRAINAGE EASEMENTS SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION.
- 13.) PERMANENT MOUNTED MAILBOX'S SHALL BE 5-FEET FROM EDGE OF ROADWAY DRIVING SURFACE.
- 14.) NO CONCRETE DRIVEWAY OR SIDEWALK IN COUNTY RIGHT OF WAY.
- 15.) THE HOUSE PLACED ON LOT 9 BLOCK ONE SHALL BE A MAXIMUM OF 2500 SQUARE FEET. **(3 BEDROOM MAXIMUM)**

APPROVAL OF THE PLANNING & ZONING COMMISSION

I, ART HUGHES, CHAIRMAN OF THE PLANNING & ZONING COMMISSION OF THE CITY OF BRYAN, STATE OF TEXAS, HEREBY CERTIFY THAT THE ATTACHED PLAT WAS DULY FILED FOR APPROVAL WITH THE PLANNING & ZONING COMMISSION OF THE CITY OF BRYAN ON THE 6<sup>th</sup> DAY OF May, 2007 AND SAME WAS DULY APPROVED ON THE 5<sup>th</sup> DAY OF July, 2007 BY SAID COMMISSION.

